

April 20, 2018

Ms. Haley Kelly  
Century Engineering, Inc.  
10710 Gilroy Road  
Hunt Valley, Maryland 21031

RE: Calvert Hall College High School  
Artificial Turf Practice Field  
Forest Conservation Variance  
Tracking # 06-18-2686

Dear Ms. Kelly:

A request for a variance from Article 33, Title 6, Baltimore County's Forest Conservation Law was received by this Department on March 28, 2018. If granted, this variance would allow the afforestation required by Section 33-6-111 of the Forest Conservation Law to be based on a 4.4-acre limit of disturbance (LOD) rather than the entire 31.4-acre school property to convert an athletic field from natural grass to artificial turf. The applicant proposes to address the resultant 0.7-acre afforestation requirement via payment of a \$15,246.00 fee-in-lieu of planting to Baltimore County's Forest Conservation Fund.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116 (d) and (e) that shall be used to evaluate the variance request. One (1) of the three criteria under Subsection 33-6-116 (d) must be met, and all three (3) of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of this property. The applicant is seeking to renovate an athletic field at a school that existed well prior to the effective date of the Forest Conservation Law. Full application of this law to the entire property would not deprive the applicant of all beneficial use of the school property, only the cost of complying with the law. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The petitioner's plight in fully complying with the forest conservation regulations while resurfacing the athletic practice field is due to unique circumstances associated with the cost of that compliance rather than the general conditions in the neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 4.4 acres of the 31.4-acre school property would be affected by the athletic field renovation associated with this variance request. More importantly, the renovation will not result in a change in the use of the long standing school. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. No forest, streams, or wetlands would be impacted by the proposed athletic field renovation, which will also comply with stormwater requirements. Additionally, a Forest Buffer Easement (FBE) was established to protect the intermittent stream system onsite as part of the 2003 Fine Arts Building addition. The protective covenants as well as the conditions of an existing use variance governing that FBE are being honored. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Granting the variance to reduce the planting obligation by basing it on the LOD for a renovation activity on the existing campus would be consistent with the spirit and intent the Forest Conservation Law given that no impacts to forest, specimen trees, or water quality would result. Therefore, this criterion has been met.

Based upon our review, this Department finds that all of the above criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. This project's 0.7-acre afforestation obligation shall be addressed by paying a \$15,246.00 fee-in-lieu prior to issuance of the grading permit, as proposed by the

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petitioner. The fee check shall be made payable to Baltimore County and submitted to EPS.

2. The mylar and two paper copies of the forest conservation plan (FCP) must be submitted to and approved by EPS staff prior to issuance of any permit. Prior to submitting the FCP for approval signature and imaging, please add the following note:

“A special variance was granted on April 20, 2018 to Baltimore County’s Forest Conservation Law to base planting requirements on the artificial turf practice field’s 4.4-acre limit of disturbance rather than the entire 31.4-acre school property. Conditions were placed on this variance including paying a \$15,246.00 fee-in-lieu of afforestation to Baltimore County’s Forest Conservation Fund. This variance approval does not exempt future construction activities on this site from compliance with Baltimore County’s Forest Conservation Law.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the appropriate school representative sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG/msk

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I/we agree to the conditions enumerated in this approval letter to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

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School Representative

Date

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Printed Name